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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,747	10/31/2001	Richard Paul Tarquini	10014006-1	4897

7590

04/28/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,747

Applicant(s)

TARQUINI, PAUL RICHARD

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 15 is/are allowed.
- 6) ☐ Claim(s) 1-7, 9-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specifications

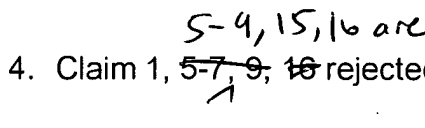
1. The "Cross Reference To Related Applications" contains blanks to the Application Number. The Examiner suggests the Applicant fill in the related Applications appropriately. Appropriate correction required.

Claim Rejections –35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claim 1, ~~5-7, 9, 16~~^{5-4, 15, 16 are} rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6279113 to Vaidya.

5. Regarding Claim 1, Vaidya discloses the an intrusion detection system whereby the all the seven OSI layers are monitored; which includes the application, transport and network layer see Col 4 Line 29-31.

6. Regarding Claim 5, Vaidya discloses the first layer(application layer) interfacing with the file system. Vaidya discloses having an memory of profiles and this profile interfacing with application session see Col 4 Line 8-10 & Line 19-22.

7. Regarding Claim 6, Vaidya discloses the file system interfacing with the first layer which includes an database for storing reports and signature file see Col 3 Line 66- Col 4 Line 39.
8. Regarding Claim 7, Vaidya discloses the first layer(application layer) providing the third layer(network layer) the signature files see Col 3 Line 40-48.
9. Regarding Claim 8, Vaidya discloses the communication session between intrusion prevention system and database system see Col 2 Line 30-53.
10. Regarding Claim 9, Vaidya discloses the an intrusion detection system whereby the all the seven OSI layers are monitored; which includes the application, transport and network layer see Col 4 Line 29-31. Vaidya also discloses the instructions and processor see Col 6 Line 11-25.
11. Claim 15 is rejected under the same rationale as Claim 8 above.
12. Regarding Claim 16, Vaidya discloses the archiving of intrusion related events in a database file system see Col 4 Line 8-18 & Col 5 Line 47-51.

Claim Rejections – 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 2,3,4,10-13, 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6279113 to Vaidya in view of U.S. 6851061 B1 to Holland III et al.

15. Regarding 2, 3 and 4, Vaidya does not disclose the use of drivers to monitor network layer, transport layer interface and first layer interfacing with the second layer by a dynamically linked library. However, Holland et al. discloses the use of filter to monitor the network layer see Column 4 Line 52-67; further discloses the use of an audit system to monitor transport layer see Column 4 Line 31-52; and also discloses the use of dynamically linked library for interfacing with the first and second layer see Col 5 Line 61-Col 6 Line 15. It would be obvious to one having ordinary skill in the art at the time of the invention to include use of drivers to monitor network layer, transport layer interface and first layer interfacing with the second layer by a dynamically linked library in the invention of Vaidya in order to increase internal security and latency as taught in Holland see Col 4 Line 2-19.

16.Regarding Claim 10,12, and 13, are rejected under the same rationale as Claim 2, 3 and 4 above.

17.Regarding Claim 11, Vaidya does not disclose the initialization of stack.

However, Holland et al. discloses the initialization see Col 4 Line 43-67. It would be obvious to one having ordinary skill in the art at the time of the invention to include initialization of stack in the invention of Vaidya in order to have an clean stack for data to be put upon.

18.Regarding Claim 17, Vaidya discloses an processor, memory module see

Column 6 Line 1-26 & Col 5 Line 47-67, but does not disclose the use of drivers to monitor network layer, transport layer interface and first layer interfacing with the second layer by a dynamically linked library. However, Holland et al. discloses the use of filter to monitor the network layer see Column 4 Line 52-67; further discloses the use of an audit system to monitor transport layer see Column 4 Line 31-52; and also discloses the use of dynamically linked library for interfacing with the first and second layer see Col 5 Line 61-Col 6 Line 15.It would be obvious to one having ordinary skill in the art at the time of the invention to include use of drivers to monitor network layer, transport layer interface and first layer interfacing with the second layer by a dynamically linked library in the invention of Vaidya in order to increase internal security and latency as taught in Holland see Col 4 Line 2-19.

19. Regarding Claim 18, Vaidya discloses the intrusion protection system communicating with the file system see Col 5 Line 27-33.

20. Regarding Claim 19, Vaidya discloses the logging of intrusion-related data in database for future reference see Col 5 Line 47-50.

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.

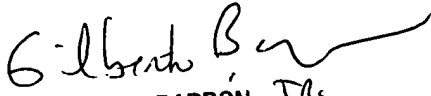
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

VP
4/08/2005


GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100